



RECEIVED

OCT 25 2000

TECH CENTER 1600/2900

Docket No.: 28111/32729C

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of: McCafferty *et al.*

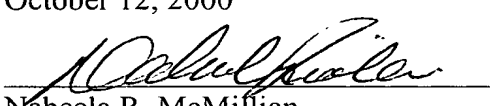
Serial No.: 09/417,479

Filed: October 13, 1999

For: "Methods For Producing Members  
Of Specific Binding Pairs

Group Art Unit: 1627

Examiner: P. Ponnaluri

) I hereby certify that this paper and the  
) documents referred to as enclosed  
) herewith are being deposited with the  
) United States Postal Service as First  
) Class Mail, postage prepaid, in an  
) envelope addressed to:  
) Assistant Commissioner for Patents,  
) Washington, D.C. 20231, on this date:  
)  
) October 12, 2000  
)  
)   
) Nabeela R. McMillian  
) Reg. No.: 43,363  
) Agent for Applicants  
)

**RESPONSE TO RESTRICTION REQUIREMENT**  
**DATED JUNE 26, 2000**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

This paper is filed in response to an Official Action received in the above-identified application, which required restriction to a group of claims. This response is due October 26, 2000 by virtue of the attached petition and fee for a three month extension of time. No additional fees are believed to be due, however, should any fees be deemed necessary in connection with the filing of this document, the Assistant Commissioner is hereby authorized to deduct any such fees deemed due from Marshall O'Toole Gerstein Murray and Borun account number 13-2855.

The Examiner advanced a 4-way restriction requiring Applicants to elect one of the groups chosen from :

**Group I:** Claims 44-46 drawn to a filamentous bacteriophage;



- Group II:** Claims 47-51 drawn to a phagemid comprising a DNA encoding a single-chain antibody-coliphage pIII fusion protein, a process of producing a phagemid;
- Group III:** Claim 52 drawn to a method of selecting an antibody from an antibody library;
- Group IV:** Claim 53, drawn to a method of presenting a peptide or protein at the surface of a phagemid viral particle.

Applicant hereby provisionally elect Group II, claims 47-51. This election is made with traverse for the reasons discussed herein below.

As discussed in a telephone interview with Examiner Ponnaluri on October 10, 2000, the pending claims in Groups II through IV were copied from U.S. Patent 5,849,500. This reference already is of record in the instant application as document A16 of form 1449 submitted January 27, 2000. However, a copy of this patent is attached herewith for the Examiner's convenience. In light of the fact that Applicants have copied these claims within a year of the grant of the aforementioned patent as required by 35 U.S.C. §135(b) and may wish to exercise an option to invoke an interference, Applicants request that the Claims of Groups I through IV be examined together.


Should the Examiner have any further questions regarding this matter she is invited to contact the undersigned representative.

Respectfully submitted

MARSHALL, O'TOOLE, GERSTEIN,  
MURRAY & BORUN  
6300 Sears Tower  
233 South Wacker Drive  
Chicago, Illinois 60606-6402  
(312) 474-6300

October 12, 2000

By:

  
Nabeela R. McMillian  
Registration No.: 43,363  
Agent for Applicants